

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 919
HOUSE BILL 1064

AN ACT RELATING TO THE APPOINTMENT OF A VICE-RECORDER OF THE
FRANKLIN COUNTY RECORDER'S COURT.

The General Assembly of North Carolina do enact:

Section 1. That in the event the duly qualified Recorder of the Franklin County Recorder's Court wishes to disqualify himself in any specific case, the Recorder may appoint any qualified person to sit in his stead for the trial of that specific case. In the event the duly qualified Recorder of the Franklin County Recorder's Court anticipates his necessary absence from a regular term of court, the Recorder may appoint any qualified person to sit in his stead for the trial of a specific docket for a day or part of a day. Such Vice-Recorder's duties shall cease at the end of his specified appointment.

When a Vice-Recorder appointed under Section 1 of this Act has completed his duties, he shall be paid from county funds the sum of five dollars (\$5.00) for the hearing of a single case, or the sum of thirty dollars (\$30.00) for the hearing of a docket for a day or a part of a day when a docket shall be disposed of. Provided, that should the Vice-Recorder hear any civil action, he shall receive the fee provided by statute for such cases and no other emoluments. Provided, further, that the total payments from county funds to a Vice-Recorder, or Vice-Recorders for hearing criminal actions shall in no event exceed the sum of one hundred dollars (\$100.00) in any calendar year.

Sec. 2. That in the event the duly qualified Recorder of Franklin County Recorder's Court is unable, by reason of illness or accident, to appoint a Vice-Recorder, or is unable to attend court, and a docket is ready for trial, the President of the Franklin County Bar, the Solicitor of the Franklin County Recorder's Court and the Clerk of the Superior Court of Franklin County, shall, as a committee under the chairmanship of the Bar President, appoint a Vice-Recorder to temporarily fill the duties of the duly qualified Recorder until the duly qualified Recorder is able to return to his duties, and then the duties of the Vice-Recorder shall cease.

Sec. 3. That in the event the duly qualified Recorder of the Franklin County Recorder's Court be absent from his duties for ninety (90) consecutive days for any reason, the post shall be declared vacant, and the County Board of Commissioners of Franklin County shall appoint a Recorder of the Recorder's Court who will immediately take the oath of office prescribed by statute and will proceed to fill out the unexpired term of the elected Recorder of said court until his successor has been elected and qualified under the statutes.

Sec. 4. A Vice-Recorder appointed under Section 2 of this Act shall be paid one half the salary set for the Recorder and this shall be deducted from the salary paid the duly qualified Recorder.

Sec. 5. Should a licensed practicing attorney at law be appointed under the provisions of Section 1 or Section 2 of this Act for specified temporary duty as Vice-Recorder, any case in which such attorney might have interest as party or advocate, docketed and not disposed of during the term then in session, shall be continued without prejudice until the next regular term of court.

Sec. 6. A Vice-Recorder of the Recorder's Court appointed under Sections 1 and 2 of this Act shall take the following oath of office which oath shall qualify him and his actions in all respects as if the duly qualified Recorder had been sitting: "I do hereon solemnly swear that I will duly and faithfully discharge the duties of Vice-Recorder of the Franklin County Recorder's Court for the length of my appointment in full observance and compliance with the laws and rules governing the conduct of this court, so help me God."

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1961.